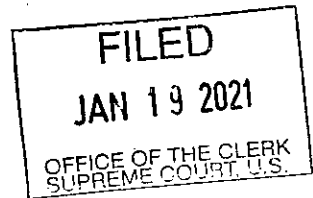


20-7628 ORIGINAL

No. 2017-KA-01483 COA

Trial Court B2401-14-499



IN THE

SUPREME COURT OF THE UNITED STATES

Daryl Fitzgerald Johnson PETITIONER
(Your Name)

Frank Shaw EMCF vs.
STATE OF MISSISSIPPI ET-AL RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS OF MISSISSIPPI
SUPREME COURT OF MISSISSIPPI

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Daryl Fitzgerald Johnson
(Your Name)

81916 EMCF 10641 HWY 80 E
(Address)

Meridian, MS 39307
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

I.

Did the STATE Supreme COURT OF Mississippi HAVE JURISDICTION to Hear A Direct Appeal OR the COURT OF Appeal where there are two JURY Members who Refused to Vote the Defendant who is this petitioner GUILTY In the trial COURT OF HARRISON County Circuit COURT. See Appendix B Trans 493

II.

Did the Supreme COURT OF Mississippi And the COURT OF Appeals For the State OF Mississippi Misinterpret CHAMBERS VS. STATE OF Mississippi 410 U.S. 284, 302 (1973) Where the Circuit COURT OF Harrison County only Allow Defendant 3 Lay witness in the Trial COURT. See Appendix A

III.

Did the COURT overlook law when the COURT OF Appeals Refused to Remand the Case back to HARRISON County Circuit COURT Where the COURT States on Transcript that Inmates or Not Entitled to Appointed Lawyer ON ~~Direct~~ Motion For New Trial Hearing.

IV

Did the Supreme Court of Mississippi
Error When Not granting Writ of Certiorari
Where the Court of Appeals has misin-
terpreted *Napue v. Illinois*, 360 U.S. 264, 271
(1959) Where Detective OIDs entire Affidavit
For Arrest was perjury. see Appendix C

V

Is it A Violation of Due Process of Law
Under the Constitution For the Court of
Appeals to grant Pro'se Motion Under
M.R.A.P. ~~281B~~ Supplement Brief Pro'se on
Direct Appeal and Grant Oral arguments
Pro'se But Refuse to Transport the Appellant
to His Oral Argument Hearing Which was
Filed Pro'se and Attorney Refused to File
Such ORAL Arguments Because Mississippi
States It Do Not Have a Law to Allow a
Inmate at oral argument,

VI

Did the Supreme Court of Mississippi
Error When Not Granting Writ of Certiorari
Where Court of Appeals overlooks *Brady*
v. Maryland 373 U.S. 83 S.Ct. (1963) Where
Where Prosecutor Confessed After Trial
on Record that the State Withheld a
Very Crucial Video that Shows Petitioner
Did Not Committ this Crime. see Appendix A

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

HARRISON COUNTY CIRCUIT COURT OF MISSISSIPPI.
COURT OF APPEALS FOR STATE OF MISSISSIPPI.
MISSISSIPPI SUPREME COURT OF APPEALS.

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No. 2017-KA-01483

IN THE
SUPREME COURT OF THE UNITED STATES

Daryl Johnson — PETITIONER
(Your Name)

VS.

STATE OF MISSISSIPPI — RESPONDENT(S)

PROOF OF SERVICE

I, Daryl Fitzgerald Johnson, do swear or declare that on this date, _____, 20____, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

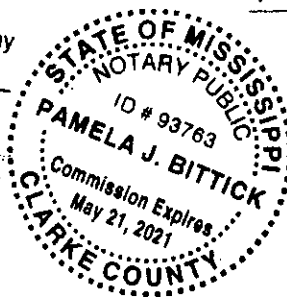
The names and addresses of those served are as follows:

Attorney General STATE OF MISSISSIPPI P.O. Box
220 JACKSON, MS 39205; District Attorney Harrison
COUNTY 1801- 23rd AVE GPT, MS 39501

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2021

Subscribed and sworn to before me in my
presence, this 19 day of Jan
2021, a Notary Public in and for the
County of Lauderdale State of MS
Pamela J. Bittick
(Signature) Notary Public
My Commission Expires 5/21/2021



[Signature]
(Signature)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Brady v. Maryland 373 U.S. 83, 87, 83 S.Ct Page 13; 14. 1194-1196-97 10 LED 2d 215 1963	
Chambers v. Miss, 410 U.S. 284 302 (1973)	pag 14
Homes v. Mississippi	
Homes v. South Carolina 5417 U.S. 319, 324 2006 pg	13-14
HARRISS V. BUXTON TV INC 460 SO 2d 828 MISS 1984	pg. 14
STATE vs. Chambers 142 Miss. 256 107 SO. 200 (1926) MISS. Lexis 62	pg. 14
UNITED STATES v. SELVA 559 F.2d 1303 (5th Cir. 1977)	pag 14
Strickland vs. Washington, 466 U.S. 668, 687, 80 LED 2d 674, 104 S.Ct 2052 (1984)	pag 14

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M.R.C.P Rule 20 Duty of Court Reporters	pg. 14
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OTHER

Kidnapping of A petitioner
That's never found guilty by
JURY OF All 12 AND the Rule
OF Kidnapping And penalty,
What constitute such.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix BC to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the COURT OF APPEALS OF MISSISSIPPI court appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 03/24/2020.
A copy of that decision appears at Appendix B C.

☒ A timely petition for rehearing was thereafter denied on the following date: JULY 21, 2020, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including 10/20/20 (date) on 10/20/20 (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE 14th Amendment OF U.S. CONSTITUTION Trial

THE 6th Amendment OF the U.S. 14
CONSTITUTION Appointment OF Attorney 14

THE 8th Amendment OF the U.S. 13
CONSTITUTION CRUEL and UNUSUAL

THE 5th Amendment to the U.S. 13, 14.
CONSTITUTION

STATEMENT OF THE CASE

THIS WRIT OF CERTIORARY TO UNITED STATES SUPREME COURT PROCEED FROM THE CIRCUIT COURT OF HARRISON COUNTY FIRST JUDICIAL DISTRICT, MISSISSIPPI COURT OF APPEALS SUPREME COURT OF MISSISSIPPI ON A JUDGMENT OF CONVICTION SIGNED BY THE CIRCUIT COURT LAWRENCE BOURGEOIS JR CIRCUIT JUDGE OF TWO COUNTS OF TRANSFER LESS THAN TWO GRAMS OF COCAINE WHERE TWO JURORS REFUSED TO VOTE THE PETITIONER GUILTY BUT PRESIDING JUDGE STILL SENT PETITIONER TO PRISON BY FRAUD SEE TRAN 493 AND THEN SEE EX: APPENDIX B

THAT THIS WRIT OF CERTIORARI TO UNITED STATES ALSO SEEK'S REVIEW OF RULING OF COURT OF APPEALS OF MISSISSIPPI ON QUESTION OF LAW AND QUESTION OF LAW IN THE MISSISSIPPI STATE SUPREME COURT

THE PETITIONER WAS ADJUDICATED A HABITUAL OFFENDER UNDER MISS CODE ~~41-29~~ 99-19-81 AND SECOND OFFENDER MISS CODE ANNOTED SECTION 41-29-147 AND SENTENCED TO SIXTEEN (16) YEARS ON EACH COUNT TO RUN CONSECUTIVE FOR TOTAL OF (32) YEARS AT AGE 50 YEARS OLD.

Facts and STATEMENT OF THE CASE

ON 7/15/14 THE CITY OF GULFPORT NARCOTIC'S AND Gulfport Police Came to petitioners Place OF Business At 1512-20th Street Gulfport Mississippi which is A STORE, CaFÉ and Rooming House /motel. THE Agent's Attested the petitioner And Stated that petitioner Had sold some drugs to A Undercover CI on a prior month, April 10, 2014 And April 11, 2014. Nicholas OIDS had went to the Justice Court Judge And asked that A Arrest warrant be issued For Daryl Johnson this petitioner on grounds that on April 11, 2014 A CI had come to the petitioners building And entered the building And purchased \$100.00 worth OF Cocain And the entire Transaction Was captured on Video and Audio. THE COURT Issued the warrant. Also on ~~April~~ 10, 2014 the Agent Nicholas OIDS Applied For ANother warrant and Stated that on April 10, 2014 that THE CI had Also Come And Purchase Drugs At 1512-20th Street From the petitioner. ON OR ABOUT July 15, 2015 the petitioner Daryl Johnson Had Hired Attorney AT LAW Dawn Staught whom Had Filed For A Motion OF Discovery and recieved the April 11, 2014 Video, and other Discovery. However there was no Audio or Video OF April 10, 2014.

THE Attorney Dawn Stought called the Defendant /petitioner to her office to view the video along with the petitioners wife Atibba Simon Johnson. While viewing the video the Defendant and Attorney then realized that the person on this plain clear video was not the Defendant Darul Fitzgerald Johnson. THE Defendant's wife Atibba Johnson also witness this. THE Attorney Dawn Stought then picked up the phone and called the DA's office to speak with the ADA in charge of the case Robert McCormick and told him that your Agent's has arrested the wrong man, that THE man on the video is not Darul Johnson but is his brother Terry Johnson. THE ADA who had never met Terry Johnson or Darul Johnson made the statement, that the man is Darul Johnson. ON 11/15/2015 Dawn Stought had withdrawn from the case. THE Defendant then hired Michael Hester who also filed for the discovery. The STATE also turned over one video among other paper work. THE video was the same April 16, 2014 video. Michael Hester then called the petitioner to his office and reduced his fee's because once he saw the video he realized the State's Agent's had made a big mistake that the person on video was in fact

TERRY Johnson the Brother of Daryl Johnson this petitioner. Terry Johnson then came to visit the Lawyer Michael Hester And Viewed The Video and Immediately Confess that it is Him on video and Ask Michael Hester is it Anyway possible that He could contact the ADA and get the best possible Deal that he could get Him. Michael Hester then contacted the ADA Robert McCormick And Informed Him that He Has Arrested the wrong Man that this is not Daryl Johnson on video But Terry Johnson and that Terry Johnson was willing to Plead out to the Best Deal possible. ADA then Gave the Following Statement We don't want TERRY Johnson we want Daryl Johnson, see TRANS 490-700 on the Following Date Captain Earnest Thomas of the Sheriff of Harrison County came by to see Michael Hester and view the video and Informed Michael Hester Attorney At Law that the video is a plain video of Terry Johnson the petitioners Brother. The petitioner then proceed to get Prepared For Trial and Get A witness list prepared for Attorney Michael Hester Along with two Alibi witness, Terry Johnson and Lauri Winters see EX: D

THE Friday before Trial the ADA ROBERT
McCormick Called Attorney Michael
Hester to the DA's office along with
Client who is the petitioner Daryl Johnson
When Petitioner and Attorney entered
the office with glass around it the
ADA Robert McCormick and Matthew
Burrell informed the Attorney for the
Petitioner that the City of Gulfport had
Made a mistake, THE person on Film was
In-Fact NOT Daryl Johnson the Petitioner
And they now know that Petitioner did
NOT commit No crime However because
OF possible Lawsuit that the State could
NOT dismiss the charges but would give the
Defendant House ARREST. THE Petitioner turned
down the House ARREST and the State refused
to drop the charges. ON Monday morning MARCH 7,
2016 the Petitioner's Attorney came in the Court-
room and announced to Petitioner that the State
Had turned over a audio ON Friday March 4, 2016
At the close of Business day which myself
Are the Attorney Had not had a chance to
Hear it. THE Petitioner then ask's the Court
FOR A continuance to hear the audio,
When the Attorney Michael Hester stood
And ask's For continuance the Petitioner

Then stood himself and told the Judge that the reason that He needed a Continuance was because the State Had Filed A Motion to Amend the 40B Motion to Introduce Evidence From Tyrice Johnson vs. State of MS 27,53-0014 the Plaintiff Nephews Case of Alleged Video of the Petitioner Handing the Nephew something. see Ex E

Petitioner Informed the Court that he wanted the Continuance because he had not also seen all the videos are heard all the audios and the State had just turned over A Audio on Friday at the close of business day and his lawyer who was representing him had just informed this petitioner Monday while in court. The Court cut's the petitioner off and say's you have a lawyer, Petitioner continued on stating why the audios and videos was important the court reporter then stops typing, see Tran 2-6. during the selection of trial the petitioners wife and 3 year old comes in court to support the petitioner the court orders the wife and child to leave court where the child did not make a sound, Again the court reporter did not type this. During the selection of the jury there came to the attention of the Defense Attorney that there was a LAB TEC who had

Part of testing the drugs again part's of this was not Transcribed by the Court Reporter see Tran 270-320, During Trial the Brother of the Defendant Displayed His Birthmark to the Jury the Same Birthmark on His Arm was visual on the Video again The Court Reporter left this out see Tran 300-360 During the Testimony of Officer JOEY WEUST There is cross examination of the TAPE that the State And Police never turned over and the Court takes a recess and comes on the record and actually States while this Detective is on the Witness Stand there is mention of a tape by Defense counsel and AS PROOF see Trans 250-330 Again this was not Recorded by Court Reporter see Tran 200-300 this Court Reporter left out very Important Testimony that Petitioner Had to Relie on for Appeal. During motion for New Trial the Court granted a Hearing see Tran 500-550 And the Petitioner Sought to SUBPOENA the C.I Tiffani Young back to Court where there had been a New Video Discovered by the Defense Lawyer in tyrice case that the State did NOT Turn over to the Defense see TRAN: S29-560 THE Petitioner while sitting at the Table

Waiting on the argument of Counsel and State looked into the Attorneys File and discovered a Sworn Affidavit by the Arresting Officer that the CI had come Inside the Petitioners building and Swore under Oath that she had purchased a \$100⁰⁰ worth of drugs from petitioner and that the entire Transaction was Recorded and Audio. See Exhibit 400-570 The Petitioner then and there Fired His lawyer at the motion For New Trial Hearing, TR 350-500 Because the Defendant had discovered that there was A letter to the DA's Office From the CI that States she never got out her car and purchased drugs April 11, 2014 and that the Petitioner came to Her car and sold Her drugs Allegedly, ~~EX: DC~~ EX: DC. The Petitioner then proceeded to Represent Himself and The ADA. Immediately stood to His Feet and Confessed that the State had a video that they never turned over to Defense See TRAN: 1-26 The Court then moved to Continue the Hearing and Ordered the State to turn over the video. At the next Hearing the Court ask's the Petitioner was he ready to go Forward with the New Trial Hearing and the Court was told by Petitioner NO because the State had not turned

(7)

1940-1941

(5)

1942-1943

1944-1945

1946-1947

1948-1949

OVER the Video to Petitioner as ordered by the Court. See Transcript 260-702

THE Court Flat out Denied that He ordered the State to turn over the Video. 26-708

THE Court then set the hearing for a 3rd Hearing. At the 3rd Hearing the petitioner had realized that representing himself ~~HE~~ was not going to get any Video's or Evidence to Hold the Motion for New Trial Hearing with. TRAN 1-700

THE Court then try's to talk the petitioner out of wanting a court appointed lawyer for his motion for New Trial Hearing TR 100-500 When petitioner ask's for a appointed lawyer the court states that you are not entitled to appointed attorney on motion for New Trial. Hearing TRAN 100-700 THE petitioner then ask's the Judge Again at the second part of the hearing where petitioner was representing himself and the court again comes to the point of anger and say's your not entitled to it. See Tran 260-450

AFTER about 3 try's at 3 different hearing's the Court then Appoint's A Lawyer only to represent the Petitioner by serving subpoenas. See Tran 360-700

Then the Hearing is Denied on motion for new Trial where petitioner try's to put A Audio in Evidence where Terry Johnson is recorded confessing to the Sale. Tran 500-600 The court Refused to listen or Allow it into Evidence.

THE Petitioner took the Stand to Testify
Only Because the Court had already Allowed
the State to put on evidence of Prior Convictions
by Cross examining Tyree's Johnson About the
Defendant's prior conviction's see Trans 120-300
THE Petitioner Showed the jury that his left
Arm Has tattoos on It that's been there over
20 years. see Tran 160-400 Also the States own
Discovery Shows this see Ex: G When the jury
Went to the Jury Room to Deliberate the jury
Sent out a note which Plainly States Birthmark
At top of the note because Terry Johnson had
displayed his Birthmark to the jury that Shows
on the April 11, 2014 Video that Prove it is him on
Video. Terry Johnson clearly took the Stand and
Confessed that it is him on Video. see Trans 120-450
The jury also wanted to see Daryl Johnson Scar
and what Arm it was on see Ex: 400-708 EX B
The Court Sent the note back to the jury and
said He would call the jury out and tell them
no that they have all the evidence. Trans 400-600
As the jury was being brought back in the
ADA ask's that the jury be stopped And Not
brought in because the Petitioner/Defendant
Arm was on the Table. see TRAN: 200-300
The Judge Stopped the jury From coming
In and Ordered Defendant Put his Arm

Which is Defendant Identity under the Table. Which Hides the Defendant Identity, see TRAN 490.

AFTER the jury went back to Deliberate MORE And Came Back out A second time the jury Foreman Reaches and give the Bailiff the Verdict that say's guilty ON BOTH COUNT'S. see TRANS 493 THE COURT then Polls the jury to ASK'S Each JUROR Is that the verdict OF Each. TWO JURORS REFUSED to ANSWER THE POLL ONE OF THE JURORS actually say's NO. see TRAN Page 493.

THE COURT: MR DORSEY Cary? Quiet
THE Defendant: NO.

MR DORSEY Cary is the one that say's NO.

However THE COURT Reporter TYPES NO NEXT TO THE Defendant's Name.

THE COURT: Dorsey Cary JR.

JUROR Cary: No Answer period.

So the Court Reporter takes UPON her own Assumption and TYPES (Nods head Affirmatively)

THE Second JUROR Flat out Refuse to answer.

THE COURT: Danyelle Jemmott? NO ANSWER.

THE COURT then enters a ORDER with his Signature. attached Fraudly States that all 12 JURORS agreed to the verdict. see EX:

After All the Motions and New Trial
Motions was Heard the Appellant
this petitioner Filed a Notice of Appeal
And While Awaiting the Transcripts and
Records to come A Lawyer From the
Indigent of Appeals Office wrote the
Petitioner Stating that He was Appointed
to represent Him on Appeal. The Petitioner
Never Filed Any paperwork asking For a
Lawyer to File A Appeal. The Lawyer Letter
Also States that He Had the Transcript
that petitioner Had Been waiting on
to review. Instead of Sending the Trans-
cript to the Pro'se Petitioner It was
Filed with the Supreme Court And
A Lawyer. Pro'se petitioner Had Filed
His own Notice of Appeal. After the
Attorney Had Filed A Appeal Brief
Already without the entire Transcript
the Pro'se Petitioner View of the
Transcript Showed that the Court
Reporter Had Changed the Transcript
And Left out portions of the Transcript
see EX: B The petitioner was then grant-
ed A Hearing and Remanded back to the
Circuit court of Harrison County under
Rule 10(e). However the Lawyer Had
Already Filed Direct Appeal. Once
on Court order and Remand there
was A Hearing set. The Court then
Informed the Circuit court to Hide
All the Petitioner's SUBPOENAS. see

EX:

(11)

REASONS FOR GRANTING THE PETITION

THAT Petitioner is held Against His Will and Kidnapped By the STATE OF Mississippi where Petitioner was Never convicted By All 12 Jurors and two Jurors was Polled and Refused to Answer the poll and Vote Petitioner guilty. Under the Mississippi Constitution and the United States Constitution Before Any person can be Denied His Liberty He must Be Found guilty By all 12 Jurors. Once the Jury is Released From the Court without all 12 Jury Members Answering the Poll the Verdict Becomes A Acquittal.

Because the anger of the Judge to the Petitioner, the Judge Signed a ~~Fraud~~ Order stating that All 12 Jury members according to the Poll Found Petitioner guilty which is a False Statement. See Trans ⁴⁹³ the Jury member States No. No is placed by Defendant Name Not the Juror. However, once questioned Again the Juror Refused to even Answer. So during Preparing the Transcript, The Court Reporter takes upon Her own to SAY the Juror Nods Head Affirmatively, No where in Record do any member of the Bar are Court say let the Record Reflect the Nod of Head. (12.)

Reasons For granting Petition Continued.

Under Brady vs Maryland 373 U.S. 83, 87 83 S.Ct. 1194-1196-97 10 LED 2d 215 1963 THE COURT OF APPEALS OVER LOOKS that the STATE Never turned over the Video With-Held From the Defendant that was in Tyree's Johnson's File. THE COURT OF Appeal MISinterpret THE LAW OF Brady Stating that TYrice JOHNSON Lawyer Had the Video IN Tyrice File and therefore the Defendant Daryl Johnson was given the Video. see Appendix A THE COURT Overlooks 2 Points. TYrice JOHNSON File is his File and Daryl JOHNSON this petitioner File is His File. And Further the COURT Fails to realize that the Video Has not Been turned over as OF this date to Tyrice JOHNSON or Daryl JOHNSON this petitioner. Tyrice And Daryl JOHNSON Was not co-Defendant's And Brady Mention Supra has Never Been over-Ruled. The Video Should have Been given to Daryl JOHNSON on DISCOVERY and not Fished FOR. Daryl JOHNSON Has not Received the Video today THis Absent OF Evidence caused the JURY not to see TERRY JOHNSON's Face THE Date He Met Tiffany Young the CI. And exchanged Phone numbers. THE MARCH 13, 2014 Video

Continued

Reason For granting 3.

Would Have proven the police had suggested that the person that THE CI Had delt with was Darryl Johnson. Which was false.

THE Petitioner was Not Allowed to Have But only 3 Lay witnesses in A Attempt to get Petitioner convicted And Mississippi's own LAW OF Chambers vs. Miss, 410 U.S. 284 302 (1973) Allows more than 3 witnesses See Homes v. South Carolina 547 U.S. 319 324 (2006) When the court Denied petitioner Motion to Appoint Attorney Under Strickland v. Washington, 466 U.S. 668, 687 80 LEd 2d 674, 104 S.Ct 2052 It Prejudice Appellant's right to Put on proper motion For New Trial. The court states you are Not entitled to Attorney For motion For New Trial. See TRAN 582

THE Court Reporter Under Mississippi Law MRCP Rule 20 is to Transcribe Everything And the court Reporter Refused to do Such And Cause grave Prejudice to Appeal. See United States VS Selva 559 F.2d 1303 (5th Cir. 1977)

And on Top of All the Errors the Defendant was Never convicted where two Jury members Refused to Answer the poll of Jury and ON JURY Says NO and the Transcript Proves such And Order of fraud.

(4)

THE NEXT JURY member Flat out had Refused to Answer period, see Transcript. 493 The very reason for these two jury members not Answering the Poll is Because they know that the other members of the jury was Trying to Force them into a Verdict that was not they Verdict where TERRY JOHNSON Had Took the stand And Confessed It was Him on the Video.

THE COURT Trampled All over the Petitioners Right's Refusing to turn over All Brady material and Hiding SUBPOENAS AFTER COURT Remanded petition ON COURT ORDER to prove the COURT Reporter Change the Transcript's And only Allowing the Petitioner 3 lay witnesses and Not Allowing A Appointed Attorney At Motion FOR New Trial Hearing.

THE COURT OF Appeal granted a Oral Argument And Refused to Have Appellant Present Because the State Has NOT Made A Law For Such. Mainly, the Petitioner ~~THE~~ ASK that this writ Be granted Because According TO EX Appendix B and Transcript the Petitioner Was Never convicted and is Being Held Against His will. Two jury members Never Found Petitioner Guilty, And that makes the Petitioner A Prisoner Held against His will.

(5)

The petitioner informed the Court not only that Transcript Had Been Changed. But Also there are two Jury members that never found the petitioner guilty and Refused to Answer the poll, see TRAN 493.

The Court Refuse to Release the petitioner After Relizing that the petitioner was never found guilty.

The 10(e) was Denied and the Court of Appeals Refuse to Suspend the Briefing Schedual on the Appeal Brief While the Interlocutory Appeal of 10(e) was pending. The High Court of Mississippi then ordered that the Interlocutory Appeal Be Ruled on With the Direct Appeal see 5. However the Court Ruled on the Interlocutory Appeal By A Single Justice, Not the Entire Panel and Denied such.

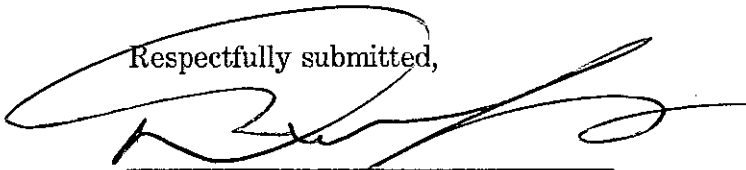
BEFORE the court Denied the Interlocutory Appeal the Appellant Had Filed For Oral argument Pro'se. The court then granted Oral argument. The Appellant then Filed a Motion to Transport Appellant to Oral Argument And the Court that granted Oral

Argument Refused to Bring the petitioner to His own Oral Argument Which It granted Stating that the STATE OF Mississippi Do Not Have a Law ON Transporting A Inmate to Oral argument that it granted,

Wherefore this Petitioner Prays
That Where two jury members
Never Answered THE Poll And
The jury was Release that
The Petitioner Have never
Been Found guilty By A
Verdict and is Ordered to
Prison on A Not guilty Verdict
Which is a quittal when jury was
Released without verdict that the
Writ Should Be granted.
See ~~EX~~ ^{CONCLUSION} ~~B~~ and Transcripts.
_{APPENDIX}

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date:

1/17/2021